IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2733 OF 2006
IN
FIRST APPEAL NO.1296 OF 2006

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Shri H.G. Misar for the Applicant.

CORAM : A. S. OKA, J.
DATE : JULY 28, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicant. He states that entire amount due and payable under the impugned award has been deposited with the Tribunal.

2. The case of the Applicant-Insurance Company is that the cheque which was given by the insured towards the premium amount was dishonoured and therefore the Insurance Company is not liable to satisfy the award which is passed against the insured. The Tribunal has held the Insurance Company to be liable in the light of the view taken by the Apex Court. Finding of fact recorded by the Tribunal is that intimation of cancellation of policy was given to the

insured as well as to registering office after the accident. This finding is disputed by the Applicant.

3. Apart from the said finding it is obvious that even if the Applicant succeeds in the Appeal, the award against insured will remain. In such event the Applicant can always recover the amount of compensation from the insured. Hence, no such case is made out for grant of stay. Subject to observations made above, Application is rejected. The withdrawal of the amount by the claimant will be subject to final out come of the Appeal.

JUDGE